

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

James H. Hodson, III,  
Petitioner

v.

Marilyn Brooks,  
Respondent

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:  
:  
:  
:  
:  
:

C. A. No. 05-92 Erie

REQUEST FOR DISCOVERY

AND NOW this 2nd Day of November, 2005, comes the petitioner, James H. Hodson, III, Pro Se, and respectfully requests that this Honorable Court order Discovery in this case Pursuant to Rule 6, of the Rules Governing Section 2254 Cases in the United States District Courts. The reasons for this request are as follows:

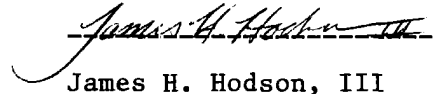
1. The District Attorney of Crawford County argues that petitioner was advised of his **MIRANDA** rights, and that petitioner was fully aware of the general nature of the transaction that occurred giving rise to Officer Trenga questioning him.

2. The District Attorney of Crawford County has failed to furnish this Honorable Court with all state court records, as ordered, with respect to:

A. Signed waiver of **MIRANDA** warnings. ( See attachment, fifth page )

B. Transcribed tape interview of Petitioner.

Respectfully submitted,

  
James H. Hodson, III

c.c. File. District Attorney of Crawford County

COMPLAINT NUMBER -> 99-005219

Received by: TREVIS PEARSON

Date/Time received: 06/20/99 @ 15:42 How received: Phone

Time dispatched: 15:44 Time arrived: 15:45 Time cleared: 16:28

COMPLAINANT -> CHERYL

Address:

City: MEADVILLE

State: PA Zip: 16335

Phone: (814

TYPE OF COMPLAINT -> INVESTIGATION AT

Nature of complaint THE MMC ER HAS A WOMAN BEING TREATED FOR INJURIES THAT SHE STATES CAME FROM BEING DRUGGED AND RAPED.  
-DOES NOT WANT TO SPEAK WITH AN OFFICER AT THIS TIME.

How handled: Officer dispatched

Location code: 2WARD Location dispatched: MMC

Officer dispatched: VINCENT TRENGA

Officers assisting: 1) BRANDT FULLER

TIME ANALYSIS

Queue time	<time received to dispatched>	=	2 minutes
Travel time	<time dispatched to arrived>	=	1 minutes
Response time	<time received to arrived>	=	3 minutes
Action time	<time arrived to cleared>	=	43 minutes

MEADVILLE CITY POLICE DEPARTMENT

DEVORE REPORTS THAT FOR 3 DAYS SHE WAS HELD AT WILL &amp; RAPED

Date occurred: 06/18/99 to 06/20/99

Time occurred: 02:00 to 14:00

Date reported: 06/20/99

Time reported: 20:00

Jurisdiction: 20301

Reporting officer: VINCENT TRENKA

Reviewed by: BONNIE VAN NORT

Date reviewed: 06/21/99

Cleared by:

Date cleared:

Case status: Under investigation

Date closed:

Offense code: CC2701...SIMPLE ASSAULT

Nature of offense: HIT DEVORE IN TEMPLE WITH FIST

Circumstance: Completed

Unfounded? Date:

Bias motivation: None (No bias)

Location: MMC

Location code: N.CHESTNUT-E.N.MAIN

Location type: Residence or home

Alcohol consumed? Drug/Narcotic?

Computer equipment used?

Premises entered:

Forced entry? Abandoned?

Weapon/Force: None

Offense code: CC3121...RAPE

Nature of offense: FORCED SEX

Circumstance: Completed

Unfounded? Date:

Bias motivation: None (No bias)

Location: 366 1/2 NORTH STREET

Location code: N.CHESTNUT-E.N.MAIN

Location type: Residence or home

Alcohol consumed? Drug/Narcotic?

Computer equipment used?

Premises entered:

Forced entry? Abandoned?

Weapon/Force: None

Offense code: CC3124.1...SEXUAL ASSAULT

Nature of offense: FORCED VICTIM

Circumstance: Completed

Unfounded? Date:

Bias motivation: None (No bias)

Location: 366 1/2 NORTH ST

Location code: N.CHESTNUT-E.N.MAIN

Location type: Residence or home

Alcohol consumed? Drug/Narcotic?

Computer equipment used?

Premises entered:

Forced entry? Abandoned?

JAMES HARRY HODSON JR

723 TERRACE ST APT-3A

MEADVILLE, PA 16335

(814) 337-5141

DOB: 03/06/75 Age at incident: 24

Sex: M Race: WHI Ethnicity: NONH

Height: 5'07" Weight: 140 lbs.

SSN: 202-66-1117

Interviewed? NO Statement taken? NO

Hair color: Brown

Citations issued? NO

Eye color: Brown

Warrants issued? NO

Build: Medium or average

Complexion: Light

MEADVILLE CITY POLICE DEPARTMENT

08/10/99

DEVORE REPORTS THAT FOR 3 DAYS SHE WAS HELD AT WILL &amp; RAPED.

JAMES HARRY HODSON III

OTN:

Date of arrest: 08/04/99 @  
Arrest type: Summoned/cited  
Location: MMC  
Location code: N.CHESTNUT-E.N.MAIN

Informed of charge? NO  
Advised of rights? NO  
NCIC check? NO  
Resident? YES

Condition prisoner:  
Arrest disposition:

Other incident(s) cleared? NO  
Date of disposition: / /

Arresting officer: DAVID STEFANUCCI  
Assisting officer: VINCENT TRENGA

LYNNE ANITA DEVORE  
366 1/2 NORTH ST.  
MEADVILLE, PA 16335  
(814) 336-3472

DOB: 03/01/56 Age at incident: 43  
Sex: F Race: WHI Ethnicity: NONH  
SSN: 206-46-4363  
Interviewed? YES  
Statement taken? YES Resident? YES

Employer: UNEMPLOYED  
Occupation:

Work phone:

Related offenses: CC2701; CC3121; CC3124.1  
Relationship to JAMES HARRY HODSON III: Friend

Description: 2 PAIR OF PANTIES, 1 BED SHEET, 1 PAIR OF  
Serial number: LONG PANTS, 1 QUILT

Type of property: Seized  
Category: Special category  
Value property: \$100 Qty:

Disposition:  
Property storage number: 99-000059  
Property currently stored? YES

Related offenses: CC2701; CC3121; CC3124.1

99-005219 DEVORE REPORTS THAT FOR 3 DAYS SHE WAS HELD AT WILL & RAPED

Reported by: VINCENT TRENGA  
Reviewed by: BONNIE VAN NORT

Date reported: 06/20/99  
Date reviewed: 06/21/99

ON THE ABOVE DATE AT APPROX. 1544 HOURS THIS OFFICER WAS DISPATCHED TO MMC TO TAKE A REPORT FOR A ALLEGED RAPE.

UPON MY ARRIVAL I SPOKE WITH THE VICTIM ID TO BE LYNNE DEVORE WHO APPEARED TO BE VERY UPSET STATING THAT SHE DID NOT WANT TO PRESS CHARGES ON THE SUSPECT (JAMES HODSON) THAT SHE JUST WANTED HIM TO STAY AWAY FROM HER. I EXPLAINED THE PROCESS ON GOING THROUGH THE CHARGES AND AGAIN SHE STATED THAT ALL SHE WANTED WAS A PFA. DEVORE BECAME VERY UPSET AS A LADY FROM WOMEN SERVICES AND A FRIEND OF DEVORES TRIED TO ENCOURAGE HER TO GO THROUGH WITH THE CHARGES. THIS OFFICER WAITED FOR 45 MIN. WHILE THEY PLEADED WITH DEVORE AND SHE STILL DID NOT WANT ANYTHING DONE AS FAR AS THE RAPE WENT. I THEN ASKED HER IF SHE WOULD AT LEAST CONSIDER A HARASSMENT OR SIMPLE ASSAULT CHARGE. SHE STATED MAYBE AND I ADVISED HER TO HAVE PICTURES TAKEN AT THE HOSPITAL OF THE VISIBLE INJURIES. I THEN ADVISED DEVORE TO GET A PFA FIRST THING IN THE MORNING AND THAT SHE COULD GET A HOLD OF ME IF SHE WANTED TO FILE THE ASSAULT CHARGE AND THEN I LEFT.

AT APPROX. 1911 HOURS DEVORE CALLED THE STATION STATING SHE CHANGED HER MIND AND WANTED TO GO THROUGH WITH THE RAPE CHARGES. I WENT TO MMC AND SPOKE WITH DEVORE, BY THIS TIME SHE HAD ALREADY COMPLETED THE RAPE KIT AND WAS FULLY CLOTHED READY TO LEAVE THE HOSPITAL. SINCE DEVORE WAS FINISHED THERE I WANTED TO CONDUCT MY INTERVIEW AT THE STATION SO I TOLD HER TO MEET ME THERE.

ONCE AT THE STATION, I ASKED DEVORE WHAT CHANGED HER MIND AND SHE STATED THAT HER BROTHER TOLD HER THAT HE WAS GOING TO KILL HODSON IF SHE DIDNT PRESS CHARGES ON HIM. SHE SAID SHE WANTED TO TALK TO ME SO HER BROTHER WOULDNT GO OUT AND GET IN TROUBLE.

THIS OFFICER ADVISED DEVORE THE PENALTY OF FALSE REPORTS IN WHICH SHE SAID SHE UNDERSTOOD. I THEN CONDUCTED A TAPE RECORDED INTERVIEW. DEVORE STATED THAT SHE WAS HELD AGAINST HER WILL, PHYSICALLY ABUSED AND FORCEFULLY RAPED FROM 0200 HOURS ON FRIDAY THE 18TH UNTIL APPROX. 1400 HOURS ON SUNDAY THE 20TH. DEVORE STATED THAT SHE WAS ABLE TO SNEAK AWAY AND USE THE PHONE TO LEAVE A MESSAGE AT A FRIENDS HOUSE THAT SHE NEEDED HELP. AFTER HODSON FINALLY LEFT SUNDAY AFTERNOON, THE FRIEND DEVORE CALLED HAD ARRIVED. AT THIS TIME DEVORE TOOK A SHOWER AND THEN WENT TO THE E.R. AT THE COMPLETION OF THE INTERVIEW THIS OFFICER FOLLOWED DEVORE BACK TO HER APT. AT 366 1/2 NORTH ST. TO MAYBE FIND SOME EVIDENCE IN WHICH I RECOVERED 2 PAIR OF PANTIES, 1 PAIR OF PANTS, 1 BED SHEET AND A QUILT THAT ALL MAY HAVE SEMINAL FLUID ON THEM FROM HODSON. THE ITEMS WERE BAGGED AND SEALED AS EVIDENCE AND STORED IN THE GARAGE. RAPE KIT WAS SEALED AND STORED IN THE FRIDGE. PICTURES OF BRUISE ON FACE AND MARK ON RIGHT SHOULDER AVAILABLE.

SEE TRANSCRIBED TAPE FOR FURTHER DETAILS.

#99-005219 DEVORE REPORTS THAT FOR 3 DAYS SHE WAS HELD AT WILL & RAPED

Reported by: VINCENT TRENGA  
Reviewed by: BONNIE VAN NORT

Date reported: 06/21/99  
Date reviewed: 06/21/99

ON THE ABOVE DATE AT APPROX. 0100 HOURS THIS OFFICER ALONG WITH OFFICER GUMP WENT TO HODSON'S RESIDENCE AT 723 TERRACE ST. APT. 3A. JUST PRIOR TO THIS I CONTACTED HODSON BY PHONE AND ASKED HIM IF HE WOULD COME TO THE STATION SO I COULD TALK TO HIM. HE THEN ASKED "IS THIS ABOUT LYNNE AND THE PILL'S" AND THEN THE PHONE DISCONNECTED.

UPON ARRIVAL AT HODSON'S HE SAID HE WANTED TO GO TO BED AND I TOLD HIM THAT IT WAS IMPORTANT THAT I TALK TO HIM AND THAT I WOULD BE BRIEF. HODSON THEN AGREED AND WE TRANSPORTED HIM TO THE STATION.

I FIRST MADE IT CLEAR TO HODSON THAT HE WAS NOT UNDER ARREST BUT STILL HAD TO READ HIM HIS RIGHTS IN WHICH HE UNDERSTOOD AND SIGNED THE WAIVER.

AT THIS TIME I CONDUCTED A TAPED INTERVIEW, SEE TRANSCRIPT FOR DETAILS.

HODSON STATED THAT HE DID NOT WANT TO TALK TO ME ANY MORE AND THAT HE WOULD TALK TO THE DETECTIVE AT A LATER DATE WITH AN ATTORNEY. WHILE RECORDER WAS SHUT OFF HE STATED THAT HE WISH HE WOULDN'T OF DONE WHAT HE DID WITHOUT GOING INTO DETAILS AND BEING ELUSIVE ABOUT WHAT HE DID AND THAT HE DIDNT TRUST HIMSELF AROUND HER. HODSON SHOWED ME SOME SCRATCH MARKS ON THE RIGHT SIDE OF HIS BELLY HE SAID HE GOT FROM DEVORE. HE STATED SHE SCRATCHED HIM WHEN THEY WERE FIGHTING WITH EACHOTHER. HE WOULD NOT LET ME TAKE PICTURES OF THE SCRATCHES STATING THAT THEY COULD BE USED AGAINST HIM IN A COURT OF LAW.

THIS OFFICER THEN TRANSPORTED HODSON BACK TO HIS RESIDENCE.

IDENT SUPPLEMENTAL REPORT

sequence: 03

99-005219 DEVORE REPORTS THAT FOR 3 DAYS SHE WAS HELD AT WILL &amp; RAPED

Reported by: DAVID STEFANUCCI  
Reviewed by: BONNIE VAN NORT

Date reported: 06/21/99  
Date reviewed: 06/21/99

At 0830, I received a phone call from James Hodson. He told me he forgot to tell Ptl. Trenga, while he and Lynne Devore were having sex, her brother walked in on them. He said she pulled the covers over her head as she was embarrassed being caught. He said they both laughed about it after her brother left. He said I said he had to leave for work and he could be reached at home 337-5141. He said a message could be left on his recorder and he would return the call.